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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF NEVADA  
8

9 JAMES PETRIE,  
10 Plaintiff,

Case No.:

11 v.

12 CITY OF BOULDER CITY, a political  
Subdivision of the State of Nevada  
13 Defendant.  
14 \_\_\_\_\_/

15 **COMPLAINT**

16 COMES NOW the Plaintiff James Petrie, by and through undersigned counsel Adam Levine,  
17 Esq. of the Law Office of Daniel Marks and for their Complaint against the Defendant herein allege as  
18 follows:

- 19 1. At all times material hereto Plaintiff James Petrie was a resident of the State of Nevada  
20 and was employed as a Utility Billing and Collection Supervisor by the City of Boulder  
21 City.
- 22 2. At all times material hereto, Defendant City of Boulder City ("Boulder City or CBC")  
23 was a political subdivision of the State of Nevada and an employer within the meaning  
24 of 29 U.S.C. §203 (d).

- 1       3.     The United States District Court has jurisdiction pursuant to 28 U.S.C. §1331 as this  
2             action is brought pursuant to the Fair Labor Standards Act, 29 U.S.C. §201 et seq.  
3             (hereafter “FLSA”).
- 4       4.     In connection with his duties and responsibilities as the Utility Billing and Collection  
5             Supervisor, when a Boulder City resident would contact the Boulder City Police  
6             Department after the completion of Petrie’s regular work shift because any of their  
7             utilities were not working, Dispatchers at the Police Department would call Petrie.
- 8       5.     After receiving the after-hours call from Dispatchers, Petrie would either have to  
9             contact the customer to inquire about the problem, or contact meter readers and/or an  
10            account clerk to inquire as to whether the reason the utilities were not working was for  
11            nonpayment of the utility bills, or whether it was for some other reason.
- 12      6.     After such calls, Petrie was responsible for dispatching personnel to reconnect the  
13             utilities. Petrie was required to stay in periodic telephone contact with the person  
14             dispatched to reconnect the utilities and could not engage in meaningful personal  
15             activities until this process was completed.
- 16      7.     On some occasions the process required Petrie to return to his office after hours to  
17             review computer records regarding payment history and/or other possible reasons for  
18             why the utilities were not operating.
- 19      8.     James Petrie was not paid or compensated by Boulder City in connection with such  
20             after-hours calls.
- 21      9.     In late 2013 or early 2014 Boulder City began having Petrie stop by the bank to make  
22             cash deposits from the Utility Department after his ten (10) hour shift had ended and  
23             while he was supposed to be on his way home.

24    ///

10. James Petrie was not paid or compensated by Boulder City for the time spent in connection with such bank deposits.

11. Boulder City agreed by contract with Plaintiff's exclusive bargaining representative the time spent by Plaintiff for activities after his regular work shift, on standby, or on emergency call out would be deemed work for the benefit of the employer and compensable.

12. The actions of Boulder City as a forth above violate the FLSA.

13. Boulder City's violation of the FLSA was willful so as to award damages being imposed for the past three (3) years as well as the imposition of an equal amount as liquidated damages.

14. Plaintiff is entitled to an award of attorney's fees and litigation costs incurred.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. For all damages at one and one half times his hourly rate of pay for all of compensated work for the benefit of Defendant;
2. For an equal amount as liquidated damages;
3. For attorney's fees and litigation costs incurred; and
4. For such other and further relief as the court deems just and equitable.

DATED this 8th day of January, 2016.

LAW OFFICE OF DANIEL MARKS

/s/ Adam Levine.  
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